

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: :
 : **Case No.: 20-20508**
Gregory A Rager : **Chapter 13**
Holly J Rager : **Judge Carlota M. Bohm**
 : *********
 :
 Debtor(s) :
 :
Wells Fargo Bank, N.A., d/b/a Wells : **Date and Time of Hearing**
Fargo Auto : **Place of Hearing**
 : **February 15, 2022 at 10:00 a.m.**
 Movant, :
 vs :
 :
Gregory A Rager :
Holly J Rager :
 :
Ronda J. Winnecour :
 Respondents.

**CERTIFICATE OF SERVICE OF STIPULATION OF MOVANT WELLS FARGO
BANK, N.A., D/B/A WELLS FARGO AUTO GRANTING RELIEF FROM STAY AS TO
PERSONAL PROPERTY 2012 DODGE GRAND CARAVAN**

I certify under penalty of perjury that I served the above captioned pleading on the parties at the addresses specified below or on the attached list on (date)
03/03/2022

The type(s) of service made on the parties (first-class mail, electronic notification, hand delivery, or another type of service) was:
first-class mail and electronic notification

If more than one method of service was employed, this certificate of service groups the parties by the type of service. For example, the full name, email address, and where applicable the full name of the person or entity represented, for each party served by electronic transmission is listed under the heading "Service by NEF," and the full name and complete postal address for each party served by mail, is listed under the heading "Service by First-Class Mail."

EXECUTED ON: 03/03/2022

By: /s/Stephen R. Franks

Signature

Stephen R. Franks, Esquire

Typed Name

P.O. Box 165028, Columbus, OH 43216-5028

Address

614-220-5611

Phone No.

0075345

List Bar I.D. and State of Admission

Stephen R. Franks, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219, cmecf@chapter13trusteedpa.com (notified by ecf)

Glenn R. Bartifay, Attorney for Debtor, 2009 Mackenzie Way, Suite 100, Cranberry Township, PA 16066, gbartifay@bartifaylaw.com (notified by ecf)

Gregory A Rager and Holly J Rager, Debtor, 5868 Madison Avenue, Export, PA 15632 (notified by regular US Mail)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Gregory A Rager
Holly J Rager

:
: **Case No.: 20-20508**
: **Chapter 13**
: **Judge Carlota M. Bohm**
: * * * * *
:

Debtor(s)

Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto

Movant,

VS

Gregory A Rager
Holly J Rager

Ronda J. Winnecour

Respondents.

Related Document # 43

STIPULATION OF MOVANT WELLS FARGO BANK, N.A., D/B/A WELLS FARGO
AUTO GRANTING RELIEF FROM STAY AS TO PERSONAL PROPERTY
2012 DODGE GRAND CARAVAN (DOCKET # 43)

This matter came to be considered on the Motion for Relief from Stay (the "Motion") filed by Wells Fargo Bank, N.A., d/b/a Wells Fargo Auto ("Movant") as Docket Number 43 with respect to certain personal property of 2012 Dodge Grand Caravan (the "Personal Property").

Movant has alleged that good cause exists for granting the Motion and that Gregory A Rager and Holly J Rager (collectively, "Debtor"), counsel for the Debtor, the Trustee, and all other necessary parties were served with the Motion and with notice of the hearing date of the Motion. No party has filed a response or otherwise appeared in opposition to the Motion.

A hearing was held before the court on February 15, 2022 to address the court's concerns of possible equity. Since the hearing, Debtor's counsel contacted Debtor to ascertain the condition of the vehicle. The Debtor states that at the time the vehicle was surrendered, the mileage was over 100,000 and the vehicle was inoperable and in need of a new transmission.

The Kelly Blue Book value based on a fair condition of the vehicle is \$4,062.00. The amount owed according to the Trustee's website is \$4,583.00, so there does not appear to be equity in this vehicle.

Movant states the value included in the pending motion was a pre-inspection estimation and based on the additional details provided by Debtor's counsel, it appears the fair market value is no more than \$4,062.00.

The Movant further agrees that in light of the confusion surrounding the request for relief from stay that to the extent that the collateral is sold while the Chapter 13 bankruptcy is still pending, Movant will; (a) liquidate its collateral in a commercially reasonable manner; (b) provide the Chapter 13 Trustee with a report of sale (including the sale amount and costs and expenses of the sale) in the event the Chapter 13 case is still pending if the sale generates a surplus in excess of the total costs and expenses of the sale and the balance owed; and (c) pays any surplus proceeds to the Trustee to be disposed of by the Trustee as additional plan funding.

The Motion is granted and the automatic stay imposed by 11 U.S.C. § 362(a) of the Bankruptcy Code is terminated with respect to Movant and its successors and assigns, regarding the Property.

###

MANLEY DEAS KOCHALSKI LLC

Dated: 03/01/2022 _____

BY: /s/Stephen R. Franks _____
Stephen R. Franks (0075345)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611; Fax 614-627-8181
Email: srfranks@manleydeas.com

Attorney for Creditor

Dated: 03/01/2022

BY: /s/ Glenn R. Bartifay
Glenn R. Bartifay
2009 Mackenzie Way
Suite 100
Cranberry Township, PA 16066
Email: gbartifay@bartifaylaw.com
Attorney for Debtor

I do not object to the foregoing Stipulation

/s/ Owen Katz, Staff Attorney
Owen Katz, Staff Attorney
Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: :
 : Case No.: 20-20508
Gregory A Rager : Chapter 13
Holly J Rager : Judge Carlota M. Boehm
 : * * * * *

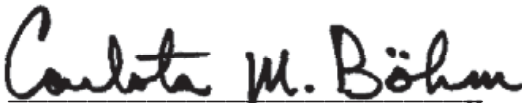
Debtor(s) :
 :
Wells Fargo Bank, N.A., d/b/a Wells :
Fargo Auto :
 :
Movant, :
 :
vs :
 :
Gregory A Rager :
Holly J Rager :
 :
 :
Ronda J. Winnecour :
 :
Respondents. Related Document # 43

ORDER OF COURT

AND NOW, to wit, this 2nd day of March, 2022, upon consideration of the foregoing Stipulation for Settlement of Movant's Motion for Relief from the Automatic Stay, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The terms of the foregoing Stipulation are hereby approved in their entirety and incorporated herein as part of this Order.
2. Pursuant to the Stipulation, Movant is entitled to relief from the automatic stay upon default of Debtor, subject to the terms of the Stipulation.

By the Court:


gib

Carlota M. Böhm
Chief United States Bankruptcy Judge

FILED
3/2/22 3:58 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA